**THE HONOURABLE SRI JUSTICE GODA RAGHURAM**

WRIT PETITION NO. 20204 OF 2007

DATED:21-09-2007

Between:

Koyya Yeranna, Visakhapatnam
And another

… Petitioners

And:

Greater Visakhapatnam Municipal Corporation,
Visakhapatnam.

… Respondent

**THE HONOURABLE SRI JUSTICE GODA RAGHURAM**

**WRIT PETITION NO. 20204 OF 2007**

**ORAL ORDER**

The writ petition is filed apprehending demolition by the respondent-Municipality. The petitioners are together owners of two adjacent extents of 300 square yards, one in Plot No.159/L.P.No.108/75 in Sy.No.135/part 136, 138,139 part, 140 part, 141,142/2 situated at Chinagadila Village, Visakhapatnam district and the other in Plot No.158/L.P.No.108/75 in Sy.No.135/part 136, 138, 139 part, 140 part, 141, 142/2 situated at Chinagadila village, Visakhapatnam. They consolidated the properties and applied jointly to the respondent-Corporation for a building permission. Building permission is stated to have been approved and granted on 08-03-2007 enabling construction of a stilt floor, ground floor + four floors. The petitioners assert to be proceeding with the construction only in accordance with the approved plan. While so it is alleged, without any notice under Section.452 or 636 of the Hyderabad Municipal Corporation Act, 1955 (as is applicable to the respondent-Corporation), the authorities of the respondent approached the property on 20-09-2007 proposing demolition along with a demolition squad. In the circumstances the writ petition is filed.

The learned Standing Counsel for the respondent-Corporation Sri N.Ranga Reddy submits that the respondent cannot and will not

pursue demolition without following the due process of law namely under Sec. 452 or 636 of the Hyderabad Municipal Corporation Act, 1955. It is however submitted that the respondent is statutorily obligated to restrain any person from making deviant constructions and contrary to the sanctioned plan.

In the light of the averments made on behalf of the respondent, the writ petition is disposed of at the stage of admission directing the respondent not to resort to demolition in the petitioners' premises without following the due procedure and issuance of notice under Section.452 or 636 of the Hyderabad Municipal Corporation Act, 1955. However, if there be any deviations in the construction by the petitioners the respondent shall forthwith inspect the premises and stop further construction. For demolition however, the respondent shall follow the procedure indicated above.

In the circumstances there shall be no order as to costs.

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**GODA RAGHURAM,J**

21ST SEPTEMBER 2007
Note:
Issue CC
As soon as
Possible
(B/O)
***TSNR**